

REMARKS

This Substitute Amendment After Final is in response to the Office Action mailed December 29, 2003. A check in the amount of \$290.00 for the multiple claim fee was previously submitted. It is believed that no additional fees are necessary in connection with the present Amendment. However, in the event any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855. This paper is intended to replace the Amendment filed March 1, 2004, and the Substitute Amendment After Final mailed on March 17, 2004, which inadvertently omitted certain amendments to claim 7.

Status of the Claims

The claims have been amended in the manner indicated in the foregoing Listing of Claims. Claim 7 has been amended to incorporate the language of claims 8, 9, and 10, now canceled. Claim 7 has also been amended to remove the language describing that the penetration opening is an oblong penetration opening, that the punch is an oblong punch, that the break-away portion is an oblong break-away portion, and that the rim is an oblong rim. Instead, these features are now described in new dependent claims 23, 24, 25, and 26, respectively. Claims 12-13 and 17-21 have also been canceled, and new dependent claims 22, and 27-34 have been added. Claims 11, 15, and 16 have also been amended, with claims 15 and 16 amended to now be multiple dependent claims. Claim 11 has been amended by deleting "oblong" before "rim adjacent to the inner surface of the matrix."

Rejections Under 35 U.S.C. § 103

Claims 7-12 and 14-21 were rejected under 35 U.S.C. § 103 as being allegedly unpatentable over DE 4,202,279 in view of Ashby et al., U.S. Patent No. 4,396,511. While it is respectfully submitted that the rejection to the claims are now moot in view of the Applicant's aforementioned amendments, consideration of the following comments is respectfully requested.

DE 42 02 279 discloses producing a rim hole through a first and a second planar workpiece. However, that reference does not disclose that an additional piece of material of the rear plate shaped workpiece is broken out in a further step of the single feed movement in which the punch is supported by a matrix.

Ashby discloses forming a penetration opening through the first and second planar workpieces. Ashby also discloses a break-away portion in the second planar workpiece. However, Ashby does not disclose that, additionally, further material is broken out from the second planar workpiece, as recited in the Applicant's claims, as amended. The break-away portion in the Ashby reference appears to only be used for producing an opening which is broadened by the rim hole. In contrast to the Applicant's claims, no further material is broken out from the second planar workpiece.

Furthermore, Ashby does not disclose that the flange is formed using a flange punch, and that the flange punch engages the flange from a second direction that is linearly opposite to the first direction.


Inasmuch as neither of the references relied upon in the rejection, alone or in combination, discloses or suggests the claimed features that the flange is formed using a flange punch and the flange punch engages the flange from a second direction that is linearly opposite to the first direction, it is respectfully submitted that claim 7, as amended, is allowable.

Moreover, neither of the references relied upon in the rejection, alone or in combination, discloses or suggests that additional material is broken out from the second planar workpiece. It is therefore respectfully submitted that a person ordinarily skilled in the art at the time of the application would not have been led to the Applicant's claimed solution by the proposed combination of DE 42 02 279 and Ashby.

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In view of the allowability of claim 7, as amended, it is submitted that the remaining claims are likewise in condition for allowance. The Examiner's reconsideration, and favorable action, are respectfully solicited.

Respectfully submitted,


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